

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 10087 of 2005

Between:

Mohd. Sattar Hussain, S/o.Mohd. Hussain,
R/o.H.NO.19-3-262/2/2/A Jahanuma, Hyderabad.

..... PETITIONER

AND

- 1 The Assistant Secretary, Regional Transport Authority, South Zone, Hyderabad.
- 2 The Motor Vehicle Inspector, Regional Transport Authority, South Zone, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, especially, one in the nature of writ of Mandamus declaring the seizure of the petitioner's vehicle bearing No.APL 180 vide vehicle check report No.2153089 dt. 16-4-2005 is illegal, arbitrary and violative of Article 19(1)(g) of the Constitution of India and consequently direct the respondent to release the petitioner's vehicle bearing No.APL 180 immediately.

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner's vehicle bearing registration No.APL 180 vide vehicle check report No.2153089 dated 16.4.2005, as illegal and arbitrary and consequently direct the respondents to release the vehicle of the petitioner forthwith.

The vehicle in question belonging to the petitioner was seized on 16.04.2005 by the 2nd respondent on the ground of certain irregularities alleged to have been committed by the petitioner, which are mentioned in the vehicle check report No.2153089.

Having regard to the facts and circumstances of the case, I consider it appropriate to dispose of the writ petition directing the respondents to forthwith release the subject motor vehicle to the interim custody of the petitioner subject to the petitioner depositing the tax due if any and on filing an undertaking to the effect that he would not alienate, sell, encumber or transfer the vehicle in question in favour of third parties, pending enquiry before the 1st respondent and he shall produce the vehicle as and when required by the respondent-authorities in the course of enquiry and investigation and that the petitioner shall produce the original documents of the vehicle.

Accordingly, the writ petition is disposed of. No costs.

(K.C.BHANU,J)

Dt:28th April, 2005

Note:Wire at party's cost

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To

1 The Assistant Secretary, Regional Transport Authority, South Zone, Hyderabad.

2 The Motor Vehicle Inspector, Regional Transport Authority, South Zone, Hyderabad.

3 Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT)

4 Two CD copies.